

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Friday, September 23, 1949

September 23, 1949

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Thursday, September 22, 1949.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, Reverend D. L. Welch:

"Oh Righteous and Merciful God:

We humbly approach Thy throne this day with our hearts filled with humility, asking You to help us. We need Thy help and we pray for all men everywhere and for this Senate. Bless us and at last receive us Home in Heaven;—we ask in Jesus' name—Amen."

The reading of the Journal was dispensed with.

The Senate Daily Journal of Wednesday, September 21, 1949, was further corrected as follows:

Page 8, column 1, line 19, strike out the word and figures "July 1, 1945", and insert in lieu thereof the following:

"October 1, 1949".

Also—

Page 9, column 2, between lines 31 and 32 insert the following:

"A bill to be entitled"

And as further corrected was approved.

The Senate Daily Journal of Thursday, September 22, 1949, was corrected and as corrected was approved.

ENROLLING REPORTS

September 23, 1949

Your Enrolling Clerk, to whom was referred—

H. B. No. 80-X ('49)

—begs leave to report same has been signed in open session by the President and Secretary of the Senate and the Speaker and Chief Clerk of the House of Representatives, and this day presented to the Governor for his approval.

Very respectfully,

ROBT. W. DAVIS,
Enrolling Clerk Ex Officio as
Secretary of the Senate.

Your Enrolling Clerk, to whom was referred—

H. B. No. 12-X ('49)

H. B. No. 30-X ('49)

H. B. No. 42-X ('49)

H. B. No. 43-X ('49)

H. B. No. 44-X ('49)

H. B. No. 51-X ('49)

H. B. No. 61-X ('49)

H. B. No. 65-X ('49)

H. B. No. 68-X ('49)

H. B. No. 70-X ('49)

H. B. No. 72-X ('49)

H. B. No. 73-X ('49)

H. B. No. 75-X ('49)

H. B. No. 76-X ('49)

H. B. No. 81-X ('49)

—begs leave to report same have been signed in open session by the President and Secretary of the Senate and the Speaker and Chief Clerk of the House of Representatives, and this day presented to the Governor for his approval.

Very respectfully,

ROBT. W. DAVIS,
Enrolling Clerk Ex Officio as
Secretary of the Senate.

Pursuant to Rule No. 47, Senator Beacham moved that the Senate then reconsider the vote by which Senate Bill No. 95-X(49) passed the Senate on September 22, 1949.

The President put the question: "Will the Senate reconsider the vote by which Senate Bill No. 95-X(49) passed the Senate on September 22, 1949?"

A roll call was demanded.

Upon the adoption of the motion made by Senator Beacham, the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—none

Which was agreed to and the Senate reconsidered the vote by which Senate Bill No. 95-X(49) passed the Senate on September 22, 1949.

The question recurred on the passage of Senate Bill No. 95-X(49).

Pending roll call on the passage of Senate Bill No. 95-X(49) Senator Beacham moved that the further consideration thereof be informally passed.

Which was agreed to and it was so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether

or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Davis—

Senate Bill No. 102-X(49):

A bill to be entitled An Act relating to elections generally and particularly to amendments of certain laws pertaining thereto as described: amending Section 98.10, Florida Statutes, as amended by Section 3, Chapter 25383, Laws of Florida, Acts of 1949, relating to notice of special elections, by providing a change in method of giving notice of such elections; amending Section 98.23, Florida Statutes, as amended by Section 6, Chapter 25383, Laws of Florida, Acts of 1949, relating to registration and election districts, by providing an extension of time for adjusting precinct lines; amending Sections 98.44 and 98.49, Florida Statutes, relating to the calling of special elections to fill vacancies in Legislature during regular session and determination of persons elected at such elections, by removing requirement that notice of such election be published in a Tallahassee, Florida, newspaper, and by providing change in procedure where tie results from balloting in such election; amending Section 99.10, Florida Statutes, as amended by Section 5, Chapter 25384, Laws of Florida, Acts of 1949, relating to names of candidates that County Commissioners or City or Town Council shall cause to be printed on election ballots, by providing an additional provision relating to names of candidates which such officials shall cause to be printed on said ballots; amending Section 99.43, Florida Statutes, as amended by Section 9, Chapter 25384, Laws of Florida, Acts of 1949, relating to the proclamation of results and returns of elections, by providing that the County Judge shall also receive copy of certificate of the results of elections; amending Section 102.05, Florida Statutes, relating to first primary elections, by eliminating the provisions that there be elected in such first primary party political officers and delegates to the National Convention; amending Section 102.09, Florida Statutes, as amended by Section 1, Chapter 25379, Laws of Florida, Acts of 1949, relating to the period primary registration books are open in election districts, by changing the time which the County Commissioners may provide that such books shall remain open; amending Section 102.27, Florida Statutes, relating to party assessment of candidates, by removing the prohibition therein against party assessments of candidates in special elections; amending Section 102.44, Florida Statutes, as amended by Section 4 of Chapter 25379, Laws of Florida, Acts of 1949, relating to the posting of primary election results, certificates pertaining thereto and disposition thereof, by providing that copy of certificate of results in such elections be also submitted to County Judge; amending Section 102.51, Florida Statutes, relating to the certifying of names of nominees by the Secretary of State to the County Commissioners, by providing an additional provision for the certifying of names of nominees to the County Commissioners by the Secretary of State; and fixing the effective date of this Act.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 102-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Davis moved that the rules be waived and Senate Bill No. 102-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 102-X(49) was read the second time by title only.

Senator Davis moved that the rules be further waived and Senate Bill No. 102-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 102-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 102-X(49) the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—none

So Senate Bill No. 102-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Brackin—

Senate Bill No. 103-X(49):

A bill to be entitled An Act authorizing the Board of County Commissioners in all counties of this State having a population of not less than 15,540 and not more than 16,220 inhabitants according to the last regular preceding State Census to pay to the County Supervisor of Registration of said counties an amount not to exceed fifteen hundred dollars for extraordinary services rendered in the re-registration of voters.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 103-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Sturgis moved that the rules be waived and Senate Bill No. 103-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 103-X(49) was read the second time by title only.

Senator Sturgis moved that the rules be further waived and Senate Bill No. 103-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 103-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 103-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 103-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President indicated that in his opinion the following bill was not within the legislative business for which this extraordinary session was convened:

By Senator Rodgers—

Senate Bill No. 104-X(49):

A bill to be entitled An Act relating to the practice of public

accounting amending Section 473.28, Florida Statutes, 1941, and providing for the issuance of certificates as certified public accountant.

Pursuant to the rule the President submitted the question of whether or not Senate Bill No. 104-X(49) should be introduced for consideration by the Senate notwithstanding that it was not within the purview of business for which the extraordinary session was convened.

Which was not agreed to by the required two-thirds vote.

So the Senate refused to permit the introduction of Senate Bill No. 104-X(49) for consideration by the Senate.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By the Committee on Appropriations—

Senate Bill No. 105-X(49):

A bill to be entitled An Act relating to use of certain funds; providing that no part of the funds appropriated by Item 13 of Section 1, Chapter 25370, Laws of Florida, Acts of 1949, shall be used to pay dipping reimbursement to cattle owners.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 105-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Collins moved that the rules be waived and Senate Bill No. 105-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 105-X(49) was read the second time by title only.

Senator Collins moved that the rules be further waived and Senate Bill No. 105-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 105-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 105-X(49) the roll was called and the vote was:

Yeas—21.

Mr. President	Carroll	Johnston	Sheldon
Alford	Clarke	King	Shivers
Baker	Collins	Mathews	Wright
Baynard	Crary	Pope	
Beacham	Franklin	Ray	
Beall	Gautier	Rodgers	

Nays—11.

Ayers	Leaird	Moore	Walker
Davis	Lindler	Sanchez	Wilson
Getzen	McArthur	Tucker	

So Senate Bill No. 105-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Tucker—

Senate Bill No. 106-X(49):

A bill to be entitled An Act permitting persons who maintain and did maintain on January 1, 1949, or prior thereto, their permanent residence on Murphy Act Lands in Liberty County, Florida, to purchase said Murphy Act Lands under certain terms and conditions.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 106-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 106-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Tucker moved that the rules be waived and Senate Bill No. 106-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 106-X(49) was read the second time by title only.

Senator Tucker moved that the rules be further waived and Senate Bill No. 106-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 106-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 106-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 106-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Baynard—

Senate Bill No. 107-X(49):

A bill to be entitled An Act to abolish the present municipality of the Town of Belle Vista Beach, Pinellas County, Florida; to create and establish a new municipality to be known as the Town of Belle Vista Beach, Pinellas County, Florida, and to fix the boundaries and provide for the government, powers and privileges of said Town and the means for exercising the same; and to authorize the imposition of penalties for violations of ordinances; and to ratify and validate certain Acts and proceedings of the commission of said Town; and to repeal all laws and ordinances in conflict herewith.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 107-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Baynard moved that the rules be waived and Senate Bill No. 107-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 107-X(49) was read the second time by title only.

Senator Baynard moved that the rules be further waived and Senate Bill No. 107-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 107-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 107-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 107-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
September 23, 1949.

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendments—

By Senators Shands, Mathews, Rodgers, Ray, and Carroll—
Senate Bill No. 19-X(49):

A bill to be entitled An Act relating to taxation, levying and imposing an additional tax on gasoline or other like products of petroleum; providing for reports of sales of such commodities to the Comptroller of the State of Florida; providing that the gasoline inspection laws of the State of Florida shall apply to this Act; prohibiting the levy and collection by municipalities and other political subdivisions of gasoline taxes; providing for the purposes of such tax and appropriating the same for the construction and maintenance of public highways and rights of way thereof designated state roads in the several counties, acquiring rights of way for such roads or payment of bonded indebtedness incurred for road and bridge purposes; prescribing the duties of the several boards of county commissioners or other county board having similar powers over roads and bridges and the State Road Department; and allocating said taxes for public highway use in the several counties; providing for the enforcement of this Act and penalties for violation thereof. Repealing all laws in conflict with this Act and particularly Chapter 25266, Laws of Florida, Acts of 1949, and providing for impounding of the proceeds of the tax imposed in this Act in the event of invalidity of certain sections of this Act; providing that this Act shall become effective October 1, 1949.

Which amendments read as follows:

Amendment No. 1—

In Section 14, line 9, of the mimeographed bill after the word "petroleum" strike out the comma and insert the following:

"except such municipalities as are now levying such a tax under authorization of special laws;"

Amendment No. 2—

In Section 16, line 1, and also in the title of the bill, strike out the words:

"October 1" and insert the following in lieu thereof: "November 1"

Amendment No. 3—

In Section 16 of the bill, change the comma at end of line 1 to a period and strike out remainder of sentence ending with word "aforesaid"

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk,
House of Representatives.

And Senate Bill No. 19-X(49), contained in the above message, was read by title, together with the House Amendments thereto.

Senator Ray moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 19-X (49).

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 19-X(49).

Senator Ray moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 19-X(49).

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 19-X(49).

Senator Ray moved that the Senate do concur in House Amendment No. 3 to Senate Bill No. 19-X(49).

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 19-X(49).

And Senate Bill No. 19-X(49), as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendments—

By Senators Shands, Mathews, Rodgers, Ray, and Carroll—
Senate Bill No. 18-X(49):

A bill to be entitled An Act amending Chapter 22645, Laws of Florida, Acts of 1945 as amended by Chapter 24363, Laws of Florida, Acts of 1947, also known as Chapter 210, 1947, Cumulative Supplement, Florida Statutes 1941, and being an Act relating to taxation, levying and imposing a State tax on cigarettes; authorizing the levy of a municipal tax on cigarettes and prohibiting any other municipal tax thereon; granting a credit or reduction on State tax to extent of municipal tax paid; defining cigarettes; requiring all cigarette dealers as herein defined to obtain a cigarette permit; providing for the report of sale or other disposition of cigarettes, and the collection and payment of cigarette taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes including distribution of a portion thereof to municipalities and tuberculosis hospitals; requiring municipalities to make financial reports; prescribing the duties and powers of the Director of the State Beverage Department including the power to promulgate rules and regulations having force and effect of law; prescribing duties and powers of other officers and employees under this Act and providing for payment of their salaries and other expenses of the administration of this Act; providing for bonds by agents and dealers; providing for affixing of stamps as evidence of payment of said tax; providing for the exemptions from payment of said tax; providing that the presumption shall be that cigarettes possessed without stamps affixed are kept in violation of the provision of this Act; imposing an occupational tax on cigarette vending machines; providing for records to be kept and reports to be made by persons possessing, selling, or transporting cigarettes; requiring municipalities to reduce ad valorem tax millage and

providing formula therefor; providing for the enforcement of this Act and the rules and regulations promulgated by the director and penalties for violation thereof.

Which amendments read as follows:

Amendment No. 1—

In Section 1, page 11, line 5, of the bill, change the word and figure 4 to the word and figure 6.

Amendment No. 2—

In Section 210.21, Sub-section e, page 26, of the bill, strike out the words: "January 1, 1950" wherever they appear in said subsection and insert the words and figures "November 1, 1949".

Amendment No. 3—

In Section 1 of the mimeographed bill at the end of Section 210.20, Sub-section 2 (a) insert the following: "Provided, however, in those counties of the State of Florida that have no incorporated municipalities it shall be the duty of the director to certify to the Comptroller the amount derived from this tax in such counties and fifty (50) per cent of such amount, less two and one-half (2½) per cent which shall be retained for administering and enforcing the provisions hereof, shall be paid to the Board of County Commissioners of such counties by warrant drawn by the Comptroller upon the State Treasury, which amount is hereby appropriated monthly out of the Cigarette Tax Collection Fund."

Amendment No. 4—

In Section 2b, line 7, of the bill, after the word Florida on page 25, strike out the "period" and insert the following: "; in the event the proceeds received annually by the State under this Act exceed \$3,000,000, then and in that event, the additional sum of \$200,000 is hereby annually appropriated for a period of 2 years beginning November 1, 1949 for the construction of an addition to the present tuberculosis hospital building and equipment therefor at the Florida State Hospital in Chattahoochee, Florida".

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE
Chief Clerk, House of Representatives

And Senate Bill No. 18-X(49), contained in the above message, was read by title, together with the House Amendments thereto.

Senator Ray moved that the Senate do not concur in House Amendment No. 1 to Senate Bill No. 18-X(49).

Which was agreed to and the Senate refused to concur in House Amendment No. 1 to Senate Bill No. 18-X(49).

Senator Mathews moved that the Senate do not concur in House Amendment No. 2 to Senate Bill No. 18-X(49).

Which was agreed to and the Senate refused to concur in House Amendment No. 2 to Senate Bill No. 18-X(49).

Senator Ray moved that the Senate do not concur in House Amendment No. 3 to Senate Bill No. 18-X(49).

Which was agreed to and the Senate refused to concur in House Amendment No. 3 to Senate Bill No. 18-X(49).

Senator Ray moved that the Senate do not concur in House Amendment No. 4 to Senate Bill No. 18-X(49).

Which was agreed to and the Senate refused to concur in House Amendment No. 4 to Senate Bill No. 18-X(49).

Senator Ray moved that the House of Representatives be requested to recede from House Amendments Nos. 1 to 4, both inclusive, to Senate Bill No. 18-X(49).

Which was agreed to and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Bryant of Marion—

H. B. No. 79-X('49)—A bill to be entitled An Act to amend Sections 199.02 and 199.11, 1947 Supplement, Florida Statutes 1941, by adding a subsection to Section 199.02, to be designated as (4) Class D, providing a new and additional classification of intangible property as being all mortgages, deeds of trust or other such instruments whereby liens are created upon real property in Florida, whereof a Class C intangible tax has not been theretofore fully paid, irrespective of the domicile or residence of the owners of the obligations secured by such instruments of lien, and changing present (4) Class D, to (5) Class E, and renumbering present (5) and (6) to (6) and (7) respectively; and by adding a subsection to section 199.11 to be designated as (4) providing for a single two mill levy on such new and additional classification, and providing that by virtue of the benefit and protection accorded to the owners of, or persons having or claiming interest in, such instruments of lien, through the laws of Florida, such instruments of lien shall not be entitled to record, or enforceable in any of the courts of this State without payment of such tax, and changing present (4) to (5) and omitting present (5) relative to adoption of constitutional amendment, and present (6) relative to effective date, as having served their purpose, and changing the tax on Class C from three mills to two mills, to conform to the Constitution and amending Section 199.07, Florida Statutes, 1941, to require reports from corporations and limited partnerships of stockholders and partners.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE
Chief Clerk, House of Representatives

Pursuant to Substitute for Senate Resolution No. 1-X (49) the President submitted the question of whether or not House Bill No. 79-X ('49), contained in the above message, should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened.

And it was agreed by a two-thirds vote of the Senate that House Bill No. 79-X ('49), title as aforesaid, should be introduced for consideration by the Senate so it was read the first time by title only.

Senator Clarke now presiding.

Senator Sturgis moved that the rules be waived and House Bill No. 79-X ('49) be placed on the Calendar of Bills on Second Reading, without reference.

Upon which a roll call was demanded.

Upon call of the roll on the motion made by Senator Sturgis the vote was:

Yeas—14

Alford	Getzen	Pearce	Sturgis
Ayers	Johns	Pope	Walker
Baynard	King	Ray	
Gautier	Moore	Shivers	

Nays—21

Mr. President	Crary	Mathews	Tucker
Baker	Davis	McArthur	Wilson
Beacham	Franklin	Rodgers	Wright
Beall	Johnston	Shands	
Carroll	Leaird	Sheldon	
Clarke	Lindler	Smith	

So the motion failed of adoption and House Bill No. 79-X ('49) was referred to the Committee on Finance and Taxation.

Senator Walker asked unanimous consent of the Senate to take up and consider House Bill No. 58-X ('49), out of its order, at this time.

Which was agreed to.

House Bill No. 58-X ('49)—

A bill to be entitled An Act providing for the assessment, equalization and collection, pursuant to Sections 16 and 17 of Article VIII, of the Florida Constitution, as adopted at the 1948 General Election, of all taxes levied by the State, County, County School Board, Special Taxing Districts, Municipalities, and other agencies in Volusia County, Florida.

Was taken up.

Senator Walker moved that the rules be waived and House Bill No. 58-X ('49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 58-X ('49) was read the second time by title only.

Senator Walker offered the following amendment to House Bill No. 58-X ('49):

In Section 11, sub-section 2 (a), line 11, (typewritten bill) strike out the word: "March" and insert in lieu thereof the following: "January."

Senator Walker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Walker also offered the following amendment to House Bill No. 58-X ('49):

In Section 11, sub-section 2 (a), line 12, (typewritten bill) strike out the word: "June" and insert in lieu thereof the following: "April."

Senator Walker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Walker also offered the following amendment to House Bill No. 58-X ('49):

In Section 14 (typewritten bill) strike out all of Section 14 and insert in lieu thereof the following:

Section 14. Effective date: referendum.—This act shall take effect upon its being approved by a majority of the votes cast in a special election of the qualified electors residing in Volusia County in which said special election at least forty (40) per cent of the qualified electors residing in Volusia County shall participate; such election to be called by the Board of County Commissioners of Volusia County prior to December 1, 1949.

Senator Walker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Walker also offered the following amendment to House Bill No. 58-X ('49):

Strike out the period (.) after the word "Florida" in the last line in the title and insert in lieu thereof the following: , and providing a referendum election therefor.

Senator Walker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Walker moved that the rules be further waived and House Bill No. 58-X ('49), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 58-X ('49), as amended, was read the third time in full.

Upon the passage of House Bill No. 58-X ('49), as amended, the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So House Bill No. 58-X ('49) passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Shands moved that when the Senate adjourns at this session it recess to reconvene at 3:00 o'clock P.M., this day.

Which was agreed to and it was so ordered.

CONFERENCE COMMITTEE REPORT

By permission the following Conference Committee Report was received and read:

September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

The Honorable Perry E. Murray,
Speaker of the House of Representatives.

Gentlemen:

Your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives with reference to Senate Bill No. 17-X(49) begs leave to submit the following report and recommendations:

1. The conferees of the two Houses agreed at the outset of the meeting that they were limited to the sole consideration of the amendments adopted by the House to the Senate Bill.
2. Prior to final passage the House had adopted a total of sixteen amendments, fourteen of which were to Section 8.
3. The Conferees agreed that in reconstructing Section 8 they could only consider the exemptions appearing therein with the adopted House Amendments.

Within the above limitations the conferees then proceeded to discuss House Amendment No. 1 offered by Messrs. Beasley, Schuh and others. This amendment struck out all of Section 8 of the Senate Bill, beginning on page 22 of the mimeographed bill and extending to Section 9 on page 25. The House conferees agreed that they would recede from House Amendment No. 1, in view of the fact that most of the items specifically exempted therein were included and defined by more general and legally accepted terms in the Senate Bill. However, the conferees did desire to retain exemptions as to caskets, soap, soap powders and detergents which were contained in Amendment No. 1. Since to recede from the amendment and at the same time attempt to retain some of its specific exemptions might exceed their limited power, the conferees agreed that while House Amendment No. 1 would be receded from, they would draw a bill to be introduced in both houses exempting from the provisions of Senate Bill 17-X(49) the tax on the sale of caskets up to the amount of \$500.00, soap, soap powders and detergents.

The conferees then took up Amendment No. 3, page 23, by Messrs. Tapper, Collins and others, which reads as follows:

In Section 8 of the engrossed bill, as amended, at the end of said section, insert the following paragraph:

"Articles of clothing, including shoes, hats and underwear, where the price at which the same is sold is Ten Dollars (\$10.00) or less, on any single item thereof; provided, that sales of articles of clothing ordinarily sold or offered for sale as a pair, or as a suit or ensemble, shall be considered single items under this exemption, provided fabrics by the yard classified as wearing apparel shall be included in the term articles of clothing."

The Senate Committee concurred in House Amendment No. 3 to Section 8.

The conferees then took up House Amendment No. 4, by Messrs. Nesmith, Schuh and others. It was pointed out by the Senate Committee that this amendment was covered (except for the words "and other equipment") on page 24, lines 9 and 10 of the mimeographed bill; however, in view of the broadened exemptions for farming equipment in the Senate Bill, the Senate Committee concurred in House Amendment No. 4, which reads as follows:

In Section 8, as amended, at the end of said section add:

"There is also exempt from the provisions of this Act ships, nets and other equipment used directly in and by licensed commercial fisheries and fishermen."

The conferees next took up House Amendment No. 5 by Messrs. Johnson and Scarborough, which reads as follows:

At the end of Amended Section 8, add the following: "Also exempt shall be cheesecloth to be used for shading tobacco."

The Senate Committee concurred in House Amendment No. 5 to Section 8.

The conferees then took up House Amendment No. 6, by Messrs. Tapper and Schuh and others, which reads as follows:

In Section 8, line 12, of the bill, as amended by Amendment No. 1, between the words "fresh and processed" and the word "seeds" insert in the words "canned foods."

In the discussion on this particular amendment, the Senate Committee pointed out that canned goods was covered under the general definition of groceries and specifically under food and food products. However, the House Committee felt that this amendment was desirable and the Senate Committee concurred in Amendment No. 6.

The conferees then took up House Amendment No. 7, by Mr. Slaughter, which reads as follows:

In Section 8 as amended add the following paragraph:

"The following personal property is hereby specifically exempt from the tax imposed by this Act, to wit: machines and equipment used in plowing, planting, cultivating and harvesting crops."

This amendment was concurred in by the Senate Committee since it enlarged upon a similar exemption within the Senate Bill.

The conferees then took up House Amendment No. 9, by Messrs. Lantaff and others, which reads as follows:

In Section 23, page 52 of the bill: Renumber Section 23 so as to read Section 24 and add a new Section 23 to read as follows:

"Section 23. Nothing herein contained shall be construed as repealing any general or special act authorizing a municipality to levy a special tax upon admission tickets which said tax is now being levied by such municipality."

The Senate Committee concurred in Amendment No. 9.

The conferees then took up House Amendment No. 11, by Mr. Lisle Smith of Polk, which reads as follows:

In Section 8, add a new paragraph to read as follows:

"There is also exempted from the tax imposed by this Act all supplies, fertilizer, sprays, equipment and machinery used in the cultivating and production of citrus."

After consideration of this amendment, it was determined that the specific items desired to be exempted by said amendment were already exempted under the House Amendment No. 7 and the specific exemptions contained in lines 11, 12, 13 and 19 and 20, page 24 of the mimeographed bill; therefore the House Committee agreed to recede from this amendment.

The conferees next took up House Amendment No. 12, by Messrs. Okell and Schuh, which reads as follows:

At the end of paragraph three (3), Section eight (8), following the words "any governmental unit State or Federal," insert the following, "Likewise exempted are admissions to places of amusement operating under the supervision of the State Racing Commission."

In view of the fact this identical exemption appears in mimeographed bill, beginning with line 3, page 25, of the bill, the House Committee agreed to recede from this amendment.

The conferees then took up House Amendment No. 13, by Messrs. Whitlock, Tapper, and others, which reads as follows:

In Section 8, as amended, of the engrossed bill, add the following unnumbered paragraph:

"Articles sold or leased to or by churches or other religious, educational, or charitable institutions in the course of their customary religious or charitable activities."

The Senate Committee pointed out to the House Committee that the first paragraph on page 20 of the bill covered the exemption on certain religious activities; however, all the conferees agreed that this exemption should be enlarged, therefore, the Senate Committee agreed to concur in House Amendment No. 13.

The conferees then took up House Amendment No. 15, by Messrs. Keith and Black, which reads as follows:

In Section 8, as amended, at the end of line 8, after the word "cocoa" add "meals costing \$1.00 or less."

This amendment was considered at length. The amount of tax which would be lost from the estimated sum to be produced by this bill, and also the difficulty of enforcing this provision, led the majority of the conferees to agree that this amendment should not be concurred in. A dissenting vote in the recommendation that the House recede from this amendment was cast by Mr. Nesmith.

The conferees then took up Amendment No. 16, page 38, by Messrs. Beasley, Collins, and others, which reads as follows:

In Section 14 of the engrossed bill, add the following paragraph at the end of said section:

"All hearings authorized hereunder to be conducted by the Comptroller shall be held in the county of the residence of the persons liable for the tax or in the County where such person maintains his or its principal place of business. Provided, however, that any such hearing may, with the consent of such person, be held at any place in the State of Florida designated by the Comptroller."

The House Committee agreed to recede from Amendment No. 16 for the following reasons. Amendment 16, adopted by the House which adds an additional paragraph at the end of Section 14, is covered in the mimeographed bill, beginning with line 11, page 37, which provides that the place of hearing will be within the judicial circuit where the person's place of business is located. The House Amendment narrows this to the specific county of the taxpayer. It appears that the provisions in the bill will allow for the centralizing at a convenient place of several hearings at one time with a minimum of expense to both the state and the taxpayer. It appears that any place within the judicial circuit of such taxpayer would not be located a great distance from his place of business.

The conferees next took up House Amendment No. 17, by Mr. Luckie of Duval, which reads as follows:

In Section 8, line 7 of the bill, after the word "milk", insert the following: "and milk products."

In view of the fact that this exemption is already included on the second line of page 23 of the Senate bill, the House Committee agreed to recede from Amendment No. 17.

The conferees then took up House Amendment No. 30, by Messrs. Stewart and Strayhorn, which reads as follows:

At the end of Section 8 insert the following sentence:

"The following personal property is hereby specifically exempt from the tax imposed by this Act, to-wit: supplies, fertilizer, sprays, equipment and machinery used in the cultiva-

tion and production of agricultural, horticultural or nursery products of any kind whatsoever."

In view of the fact that the tangible personal property outlined in this amendment is already covered on page 24, lines 11, 12, 13, and 19, and 20, and also in House Amendment No. 7, the House Committee agreed to recede from this amendment.

The conferees then took up House Amendment No. 33, by Mr. Moody of Hillsborough, which reads as follows:

In Section 8, as amended, at the end thereof; "There shall likewise be exempted all sales made to or by the United States Government, the State of Florida, or by any county or municipality within the United States, and all sales made to or by any government unit, State or Federal, and including sales made to contractors of tangible personal property going into and becoming a part of public works and projects owned by any such government or governmental unit."

It was pointed out by the Senate Committee that the verbiage contained in this amendment was identical with the exemption on page 25, line 5, of the Senate bill. The House Committee therefore, receded from this amendment.

The conferees then took up House Amendment No. 34, by Mr. Rood of Manatee, which reads as follows:

At the end of Section 8, as amended, strike out the period, insert a comma and add the following: "The following items shall also be exempt from the operation of this law; artificial eyes, limbs, crutches, eye glasses, dentures, hearing devices, prosthetic and orthopedic appliances."

The conferees agreed that the items listed in this amendment should be exempted and accordingly the amendment was concurred in by the Senate Committee.

Following the above actions, there remained minor differences between the House and Senate versions. These differences arose because, for parliamentary and technical reasons, it was deemed necessary to recede from House Amendment No. 1, (which was a complete re-write of Section 8 of the original Senate bill) and use the wording of the mimeographed bill. After due consideration of these minor differences it was agreed that there were no significant divergences (except for those to be covered by the separate bill previously mentioned) and the remaining language of Section 8 was retained.

Respectfully submitted,

W. A. SHANDS
JOHN E. MATHEWS
W. J. RAY
Conferees on the part of the Senate
RICHARD H. SIMPSON
LISLE W. SMITH
GEORGE NESMITH
Conferees on the part of the House
of Representatives

Senator Ray moved the adoption of the foregoing Conference Committee Report.

Upon the adoption of the Conference Committee Report the roll was called and the vote was:

Yeas—28

Mr. President	Carroll	Johnston	Pope
Alford	Clarke	King	Rav
Ayers	Collins	Leaird	Rodgers
Baker	Crary	Mathews	Shands
Beacham	Franklin	McArthur	Shivers
Beall	Gautier	Moore	Smith
Boyle	Getzen	Pearce	Tucker

Nays—8

Baynard	Johns	Sheldon	Walker
Davis	Lindler	Sturgis	Wilson

So the Conference Committee Report on Senate Bill No. 17-X (49) was adopted.

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

In Section 8 of the engrossed bill, as amended, at the end of said section, insert the following paragraph:

"Articles of clothing, including shoes, hats and underwear, where the price at which the same is sold is Ten Dollars (\$10.00) or less, on any single item thereof: provided, that sales of articles of clothing, ordinarily sold or offered for sale as a pair, or as a suit or ensemble, shall be considered single items under this exemption, provided fabrics by the yard classified as wearing apparel fabrics shall be included in the term articles of clothing."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

In Section 8, as amended, at the end of said section add, "There is also exempt from the provisions of this Act ships, nets and other equipment used directly in and by licensed commercial fisheries and fishermen."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

At the end of Amended Section 8, add the following: "Also exempt shall be cheesecloth to be used for shading tobacco."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

In Section 8, line 12, of the bill, as amended by Amendment No. 1, between the words "fresh and processed" and the word "seeds" insert the words "canned foods".

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

In Section 8 as amended add the following paragraph: "The following personal property is hereby specifically exempt from the tax imposed by this Act, to wit: machines and equipment used in plowing, planting, cultivating and harvesting crops."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

In Section 23, page 52 of the bill: Renumber Section 23 so as to read Section 24 and add a new Section 23 to read as follows:

"SECTION 23. Nothing herein contained shall be construed as repealing any general or special act authorizing a municipality to levy a special tax upon admission tickets which said tax is now being levied by such municipality."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X (49):

In Section 8, as amended, of the engrossed bill, Add the following unnumbered paragraph:

"Articles sold or leased to or by Churches or other religious, educational or charitable institutions in the course of their customary religious or charitable activities."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X (49):

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 17-X(49):

At end of Section 8, as amended, strike out the period, insert a comma and add the following: The following items shall also be exempt from the operation of this law; artificial eyes, limbs, crutches, eye glasses, dentures, hearing devices, prosthetic and orthopedic appliances.

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 17-X(49).

Pending further consideration of Senate Bill No. 17-X(49), as amended, the hour of adjournment having arrived, a point of order was called and the Senate recessed at 1:00 o'clock P. M., until 3:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:00 o'clock P. M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

—37.

A quorum present.

The Senate took up the consideration of Senate Bill No. 17-X(49), as amended, which was pending consideration at the hour of recess:

Senate Bill No. 17-X(49):

A bill to be entitled An Act to define certain additional privileges, and to levy and provide for the collection of privilege taxes upon sales of personal property, upon admissions and upon rentals of real and personal property; providing for certain exemptions; to define certain words and terms used in this Act; to provide for the creation and enforcement of liens upon real and personal property of persons liable for the payment of such taxes to authorize the promulgation of rules and regulations for the administration and enforcement of this Act; to appropriate monies derived from such taxes and to direct the payment of such monies derived from such taxes to the General Revenue Fund of the State of Florida, to the cost of administration and enforcement of this Act and to provide for impounding any surplus revenue; to provide for the operation of this Act in the event certain provisions herein shall be held invalid; providing for an effective date; to provide penalties for the violation of this Act; and repealing Sections 204.03 and 204.04, Florida Statutes, 1941, and conflicting laws.

The question was put on the passage of Senate Bill No. 17-X(49), as amended by the House Amendments in which the Senate concurred during morning session pursuant to the Conference Committee Report, this day.

Upon the passage of Senate Bill No. 17-X(49), as amended, the roll was called and the vote was:

Yeas—21.

Mr. President	Crary	Mathews	Sanchez
Baker	Gautier	McArthur	Shands
Beacham	Getzen	Moore	Smith
Boyle	Johnston	Pearce	
Carroll	King	Ray	
Collins	Leaird	Rodgers	

Nays—14.

Alford	Clarke	Lindler	Walker
Ayers	Davis	Sheldon	Wilson
Baynard	Franklin	Shivers	
Beall	Johns	Sturgis	

So Senate Bill No. 17-X(49) passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

PAIRING

The following pair was announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Wright on the passage of Senate Bill No. 17-X(49), as amended; if he were present he would vote "no" and I would vote "aye".

Luther C. Tucker,
5th. District

EXPLANATION OF VOTE

The following explanation of vote was filed with the Secretary:

I vote 'aye' because it is imperative that the State have additional revenue to carry forward a progressive program. This bill has many errors, and will be difficult and expensive to administer. It is our only chance, however, for a revenue program to support our schools, health, institutional and welfare programs for the next two years.

LeRoy Collins,
8th. District.

By unanimous consent Senator Shivers withdrew Senate Bills Nos. 7-X(49), 8-X(49), 9-X(49), and 6-X(49).

By unanimous consent Senator Franklin withdrew Senate Bill No. 31-X(49).

Senator Beacham asked unanimous consent of the Senate to take up and consider Senate Bill No. 95-X(49), out of its order, at this time.

Which was agreed to.

Senate Bill No. 95-X(49):

A bill to be entitled An Act to amend Section 9, Chapter 24096, Laws of Florida, 1947, to govern the collection and expenditure of fees collected and to repeal Chapter 25039, Laws of Florida, 1949.

Which was pending roll call, the Senate having this day reconsidered the vote by which the bill passed the Senate on September 22, 1949, was taken up.

Pending roll call on the passage of Senate Bill No. 95-X(49), by unanimous consent, Senator Beacham offered the following amendment to Senate Bill No. 95-X(49):

Strike out all of Section 2. Renumber Section 3—"Section 2".

Senator Beacham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Pending roll call on the passage of Senate Bill No. 95-X(49), by unanimous consent, Senator Beacham also offered the following amendment to Senate Bill No. 95-X(49):

In Title, (typewritten bill) strike out the words: "and to repeal Chapter 25039, Laws of Florida, 1949."

Senator Beacham moved the adoption of the amendment upon which a roll call was demanded.

Upon the amendment offered by Senator Beacham to Senate Bill No. 95-X(49) the roll was called and the vote was:

Yeas—35.

Mr. President	Baker	Beacham	Boyle
Ayers	Baynard	Beall	Carroll

Clarke	Johns	Pearce	Shivers
Collins	King	Pope	Smith
Crary	Leaird	Ray	Sturgis
Davis	Lindler	Rodgers	Tucker
Franklin	Mathews	Sanchez	Walker
Gautier	McArthur	Shands	Wilson
Getzen	Moore	Sheldon	

Nays—2.

Alford Johnston

Which was agreed to and the amendment was adopted.

The question recurred upon the passage of Senate Bill No. 95-X(49), as amended.

Upon the passage of Senate Bill No. 95-X(49), as amended, the roll was called and the vote was:

Yeas—11.

Mr. President	Boyle	Lindler	Shivers
Beacham	Crary	Sanchez	Tucker
Beall	Getzen	Sheldon	

Nays—22.

Alford	Collins	Leaird	Ray
Ayers	Davis	Mathews	Rodgers
Baker	Franklin	McArthur	Sturgis
Baynard	Gautier	Moore	Walker
Carroll	Johnston	Pearce	
Clarke	King	Pope	

So Senate Bill No. 95-X(49), as amended, failed to pass.

Senator Ray, President Pro Tempore, now presiding.

PENDING ROLL CALL

Senate Joint Resolution No. 26-X(49):

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE IX OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO TAXATION AND FINANCE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

The following amendment to Article IX of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this State for ratification or rejection at the next general election to be held in the year 1950, A. D., that is to say: A new section shall be added to said Article IX, reading and providing as follows:

Amended as follows:

Section ().—Income Tax.—the legislature shall have power to lay and collect taxes on income, from whatever source derived, in an amount not exceeding twenty per centum of the income tax from time to time imposed by the Federal Government.

Which was pending roll call, the Senate having reconsidered the vote on September 22, 1949, by which Senate Joint Resolution No. 26-X(49) failed to pass the Senate on September 21, 1949, was taken up.

The question recurred on the passage of Senate Joint Resolution No. 26-X(49).

Upon the passage of Senate Joint Resolution No. 26-X(49) the roll was called and the vote was:

Yeas—24.

Mr. President	Gautier	Pope	Shivers
Alford	Getzen	Ray	Smith
Ayers	Johns	Rodgers	Sturgis
Baynard	Mathews	Sanchez	Tucker
Boyle	Moore	Shands	Walker
Collins	Pearce	Sheldon	Wilson

Nays—12.

Baker	Carroll	Davis	Leaird
Beacham	Clarke	Franklin	Lindler
Beall	Crary	Johnston	McArthur

So Senate Joint Resolution No. 26-X(49) passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1949 Extraordinary Session of the Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

EXPLANATION OF VOTE

The following explanation of vote on Senate Joint Resolution No. 26-X(49) was filed with the Secretary:

On Wednesday September 21, 1949, I cast my vote against the proposed Constitutional Amendment to remove the Constitutional prohibition against the state levying a State Income tax. I did this for two reasons one being the fact that no floor was being put upon the State's power to tax incomes. I felt that there should be a Constitutional prohibition against levying a state income tax on personal incomes of single men earning less than \$2,500 and of married men earning less than \$3,500. My second reason was that I honestly did not believe that the people of this state would not vote for this amendment to the State Constitution unless a floor was put upon it; that to submit it in its present form would be purely and simply a political move to try to justify a sales tax which we were passing.

During the recess at noon, I was asked by several of the Senators why I voted against the proposed Constitutional Amendment. I explained my position and we arrived at what I believed to be a mutual understanding and a compromise. I was to move for a reconsideration and after reconsidering I could offer my amendment modified to exempt incomes of \$2,000 single, and \$3,000 married.

When I made my motion to reconsideration, I explained, as distinctly as I could, that I was doing so, hoping that I could get my amendment adopted and would then be able to vote for the Joint Resolution and that unless this was done I would still be forced to vote against the bill.

The motion to reconsider was adopted but my motion to place the bill back on second reading failed of adoption and therefore, I could not offer my amendment as the Senate rules allow a bill to be amended only on second reading, unless unanimous consent is given.

Since my position was clearly stated, I then took the floor to fight the Joint Resolution as I had before and will continue to do so until I feel that the people of this state are given a fair deal.

JOSEPH E. JOHNSTON, JR.
9th District

By permission the following Messages from the Governor were received and read:

STATE OF FLORIDA EXECUTIVE DEPARTMENT TALLAHASSEE

Honorable Members of the Senate and House of Representatives:

Pursuant to the authority vested in me by Section 8 of Article IV of the Constitution of the State, I call to your attention while you are convened in special session the necessity of enacting laws for the sole purpose of making appropriations to the Motor Vehicle Commission in the sum of \$755,243.00 for the biennium from July 1, 1949 to June 30, 1951, in addition to the amount appropriated by the 1949 regular session of the Legislature.

Prior to the convening of the regular session, the State Cabinet, sitting as the Budget Commission, spent almost two months analyzing the budget requests of the various state departments including the Motor Vehicle Commission. Budget requests were slashed everywhere the Cabinet thought they could be and still carry on the necessary and essential functions of State Government.

The budget recommended to the Legislature was \$52,000,000.00 less than the requests of the departments. The Motor Vehicle Commission requested the sum of \$3,429,500.00 for the biennium, but the Budget Commission after a thorough analysis of the operations of the department and a full discussion of its needs with the Motor Vehicle Commissioner, cut the

request to \$3,264,255.00, a reduction of \$165,245.00. This was the lowest figure the Budget Commission felt could be recommended for this department to enable it to perform the functions required of it by law.

The Senate adopted the recommendation of the Budget Commission, but the House of Representatives cut this recommendation the sum of \$755,243.00. The joint Conference Committee of the Senate and House adopted the figures in the House Appropriation Bill so that the appropriation made to the Motor Vehicle Commission was \$755,243.00 less than the amount recommended by the Budget Commission.

The department cannot perform the duties required of it by law with this drastic cut in its appropriation. It would mean the personnel of the Commission would have to be cut to 300 people, which would be less than the number employed five years ago when the revenue collected by this department was one-half the amount collected today, and Florida had no title lien law as it does today.

I desire to point out to you that the revenue collected by this Commission has jumped from \$10,000,000.00 in 1944-1945 to an estimated \$20,000,000.00 in the calendar year 1949.

The number of registrations, so far this year, are approximately 100,000 more than the same period last year. The total revenue including registrations, titles and liens for the first seven months of 1949 is \$1,715,943.36 more than the same corresponding time in 1948. There are about 1,000,000 registrations in Florida which means the Commission has to sort and file over 3,000,000 registration cards.

The title lien functions of this Commission, which became a law on October 1, 1948 but was put into effect this year, mean that the Commission has to keep an abstract of title to every motor vehicle in Florida and full abstract information as regards lien indebtedness must be noted on the face of each title certificate issued by this Commission. The number of titles issued for the first seven months of 1949 was 303,121, and the number of titles issued for the first seven months of 1948 was 265,882, or an increase of 37,239. The number of liens recorded for the first seven months of 1949 was 269,054, and the number of liens recorded for the first seven months of 1948 was 238,098, or an increase of 30,956. In addition to this operation, under the new law every time an individual borrows money on a motor vehicle in Florida a new title showing the lien must be issued and when that lien is satisfied a clear title must be issued, therefore the number of titles written because of this one phase of the Commission's operation runs about 10,000 per month above the number shown above. Every time a new title or a new registration card is written, it must be verified which means that several million items have to be verified each year.

Should there be any curtailment or elimination of the title lien functions of this Commission, the people of Florida could be faced with the possibility of sustaining inestimable damage and this situation would make it impossible to give speedy and accurate information to law enforcement officers.

During the calendar year 1948, a great part of which time the title lien law was not in effect, the total expense of operating this Commission was \$1,414,961.00. Funds received for handling titles and liens were \$697,567.00 or nearly one-half the total cost of operations. The title lien function therefore is a self-sustaining phase of the Commission's operations and the cost of this function is paid for by the automobile industry and is not a direct tax on the general public. Prior to the 1949 regular session, this money went to the department under continuing appropriations. Because of the tremendous increase in registrations in Florida as well as the effect and trend in present economic conditions, the Motor Vehicle Commission is having a steady increase in demand for title and lien services.

Since the end of the regular session, the department has been forced, because of lack of funds, to release 132 employees, in addition to greatly reducing travel expenses for the department's inspectors. It is impossible for the department to perform the duties required of it by law and render the title and lien service paid for by the automobile industry unless the appropriation is raised to the amount recommended by the Budget Commission.

The department is getting further and further behind in its title and lien work every day. Thousands of dollars of revenue

will be lost to the State annually unless this appropriation is raised.

I, therefore, respectfully request that you consider the enactment of laws for the sole purpose of appropriating the sum of \$755,243.00 to the Motor Vehicle Commission for the biennium from July 1, 1949 to June 30, 1951, in addition to the amount appropriated by the 1949 regular session of the Legislature.

Respectfully,

FULLER WARREN,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

Honorable Members of the Senate and the House of Representatives:

Pursuant to the authority vested in me by Section 8, Article 4, of the Constitution of the State, I call to your attention while you are convened in special session, the advisability of considering the enactment of laws for the sole purpose of revising the mileage tax paid by the auto transport companies under Sections 323.15 and 323.16, Florida Statutes, 1941, as amended by Chapter 22,834, Laws of Florida, Acts of 1945.

Respectfully yours,
Fuller Warren,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

Honorable Members of the Senate and the House of Representatives:

Pursuant to the authority vested in me by Section 8, Article IV, of the Constitution of the State, I call to your attention the necessity to enact at this Special Session proper legislation prohibiting public parades and demonstrations by masked groups. I remind you that in my message to the Regular Session I advocated the enactment of such a law. Although bills to accomplish this end were introduced in both Houses, neither came up for a final vote.

Since the Regular Session many incidents involving hooded and masked groups have made it more apparent than ever that such legislation is needed. I urgently recommend that the Florida Legislature enact a statewide law prohibiting public demonstrations of any kind by masked organizations.

Respectfully yours,
Fuller Warren,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

Honorable Members of the Senate and the House of Representatives:

Pursuant to the authority vested in me by Section 8, Article IV of the Constitution of Florida, and in accordance with Section 1 of Article XVII thereof, I call to your attention while you are convened in Special Session, the advisability of adopting at this Special Session, a Joint Resolution proposing a Constitutional Amendment providing for additional County Judges in such counties as are in need thereof.

I remind you that at the Regular Session, a law was passed to this end affecting one county, but its constitutionality is seriously in doubt. The Constitutional Amendment hereby suggested, if adopted by the people, would make provision for the adequate functioning of this important part of our judicial system in accordance with the increase in population and the growth of our State. I recommend the adoption of such a Joint Resolution.

Respectfully yours,
Fuller Warren,
Governor.

By permission the following bills were introduced:

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President Pro Tempore submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Tucker—

Senate Bill No. 108-X(49):

A bill to be entitled An Act fixing the salary of the members of the Board of Public Instruction of all counties in the State of Florida having a population of not less than 5,000 and not more than 5,065, according to the last State census.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 108-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Tucker moved that the rules be waived and Senate Bill No. 108-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 108-X(49) was read the second time by title only.

Senator Tucker moved that the rules be further waived and Senate Bill No. 108-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 108-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 108-X(49) the roll was called and the vote was:

Yeas—33.

Mr. President	Clarke	Leaird	Sheldon
Alford	Crary	Lindler	Shivers
Ayers	Davis	Mathews	Smith
Baker	Franklin	McArthur	Sturgis
Baynard	Gautier	Moore	Tucker
Beacham	Getzen	Pearce	Walker
Beall	Johns	Rodgers	
Boyle	Johnston	Sanchez	
Carroll	King	Shands	

Nays—4.

Collins	Pope	Ray	Wilson
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So Senate Bill No. 108-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President Pro Tempore indicated that in his opinion the following bill was not within the legislative business for which this extraordinary session was convened:

By Senators Beacham and Johns—

Senate Bill No. 109-X(49):

A bill to be entitled An Act amending Section 1 of Chapter 25410, Laws of Florida, Acts of 1949, relating to county officers and employees retirement system.

Pursuant to the rule the President Pro Tempore submitted the question of whether or not Senate Bill No. 109-X(49) should be introduced for consideration by the Senate notwithstanding that it was not within the purview of business for which the extraordinary session was convened, on which a roll call was demanded.

Upon call of the roll on the question the vote was:

Yeas—33.

Mr. President	Beacham	Carroll	Davis
Ayers	Beall	Clarke	Franklin
Baker	Boyle	Collins	Gautier

Getzen	McArthur	Sanchez	Tucker
Johns	Moore	Shands	Walker
Johnston	Pearce	Sheldon	Wilson
King	Pope	Shivers	
Lindler	Ray	Smith	
Mathews	Rodgers	Sturgis	

Nays—2.

Alford	Leaird
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So it was agreed by the required two-thirds vote that Senate Bill No. 109-X(49) should be introduced for consideration by the Senate so it was read the first time by title only and referred to the Committee on Judiciary "A".

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President Pro Tempore indicated that in his opinion the following bill was not within the legislative business for which this extraordinary session was convened:

By Senators Beacham and Johns—

Senate Bill No. 110-X(49):

A bill to be entitled An Act amending Section 1 of Chapter 25417, Laws of Florida, Acts of 1949, and Section 121.08, Florida Statutes, relating to State officers and employees retirement system.

Pursuant to the rule the President Pro Tempore submitted the question of whether or not Senate Bill No. 110-X(49) should be introduced for consideration by the Senate notwithstanding that it was not within the purview of business for which the extraordinary session was convened.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 110-X(49), title as aforesaid, should be introduced for consideration by the Senate so it was read the first time by title only and referred to the Committee on Judiciary "A".

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President Pro Tempore submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Baynard—

Senate Bill No. 111-X(49):

A bill to be entitled An Act creating a park board in and for Pinellas County, Florida; and prescribing its authority, rights, jurisdiction, powers and duties; and providing for a personnel constituting its governing body; and prescribing their rights, powers and duties; and providing a fiscal procedure for the institution, construction, operation and maintenance of a park and recreational system in said county and prescribing a procedure for the acquisition of lands for park or recreational purposes by purchase, or donation, and prescribing certain rights, powers and duties of public officials, municipal, county, state and federal in relation to the subject hereto.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 111-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 111-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Baynard moved that the rules be waived and Senate Bill No. 111-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 111-X(49) was read the second time by title only.

Senator Baynard moved that the rules be further waived and Senate Bill No. 111-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 111-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 111-X(49) the roll was called and the vote was:

Yeas—37.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 111-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By Senators Gautier, Getzen and Baynard—

Senate Resolution No. 112-X(49):

A RESOLUTION OF THE SENATE OF THE STATE OF FLORIDA, DECLARING THE SENSE OF SAID SENATE WITH REGARD TO ECONOMY AND ADDITIONAL TAXATION.

WHEREAS, a determination of the sense of the Senate with regard to economy and additional taxation would give direction to its efforts and greatly expedite its labors, and

WHEREAS, the true temper of this Senate cannot be caught within the confines of a single bill because of the multitude of subjects and details involved, and

WHEREAS, an agreement as to general objectives at this time would save much time and effort, now therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA:

1. That it is the sense of the Senate of the State of Florida, that the solution of the present fiscal problem of the State of Florida can and should be solved by the following progressive actions:

A. Maximum economy should be effected—Specifically:

- (1) Central purchasing of State supplies should be provided for by Legislative Act.
- (2) Tax collection agencies of the State should be consolidated into a department of revenue.
- (3) State Boards, Bureaus, Departments or Commissions should be consolidated where such consolidation would result in more efficient and economical operation of State Governmental functions.
- (4) A State Tax Commission should be created.
- (5) Such other measures as the Senate may determine to promote sound economy in Government, should be passed.

B. The amount of revenue then needed should be determined as accurately as possible.

C. Revenues allocated to cities and counties by the State should, to as great an extent as possible, be a replacement rather than an additional tax and thus more equitably distribute the tax burden of the citizens of the State of Florida.

2. That a copy of this resolution be spread upon the Journal of the Senate and a copy of such resolution be given to the public press.

Which was read the first time in full.

Senator Gautier moved that further consideration of Senate Resolution No. 112-X (49) be informally passed.

Which was agreed to and it was so ordered.

Pursuant to Substitute for Senate Resolution No. 1-X (49) the Senate determined that the following bill was within the purview of legislative business for which this extraordinary session of the Legislature was convened, as broadened by the message received from His Excellency, Fuller Warren, Governor of Florida, this day:

By Senators Mathews and King—

Senate Bill No. 113-X(49):

A bill to be entitled An Act making an additional appropriation to the Motor Vehicle Commission.

Which was read the first time by title only.

Senator Mathews moved that the rules be waived and Senate Bill No. 113-X (49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 113-X (49) was read the second time by title only.

The President now presiding.

Senator Mathews moved that the rules be further waived and Senate Bill No. 113-X (49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 113-X (49) was read the third time in full.

Upon the passage of Senate Bill No. 113-X (49) the roll was called and the vote was:

Yeas—33

Mr. President	Crary	McArthur	Shivers
Ayers	Franklin	Moore	Smith
Baker	Gautier	Pearce	Sturgis
Beacham	Getzen	Pope	Tucker
Beall	Johns	Ray	Walker
Boyle	King	Rodgers	Wilson
Carroll	Leaird	Sanchez	
Clarke	Lindler	Shands	
Collins	Mathews	Sheldon	

Nays—4

Alford	Baynard	Davis	Johnston
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So Senate Bill No. 113-X (49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X (49) the Senate determined that the following bill was within the purview of legislative business for which this extraordinary session of the Legislature was convened, as broadened by the message received from His Excellency, Fuller Warren, Governor of Florida, this day:

By Senator Walker—

Senate Bill No. 114-X(49):

A bill to be entitled An Act to regulate or prohibit the wearing of a mask, hood or any device whereby any portion of the face is so hidden, concealed or covered as to conceal the identity of the wearer while upon the public ways in this State or while upon property of any municipality or county in this State or while upon the property of the State; prohibiting the demanding of entrance or the entrance upon the premises of another while wearing the same; prohibiting the holding of a meeting or demonstration or the placing of an exhibit on the property of another while wearing the same unless by written permit of the owner or occupier of the property; providing for certain exemptions from the Act; providing for the punishment for violations of this Act as crimes; and for other purposes.

Senator Walker moved that the rules be waived and Senate Bill No. 114-X(49) be placed on the Calendar of Bills on Second Reading, without reference.

Which was not agreed to, so Senate Bill No. 114-X(49) was referred to the Committee on Judiciary "B".

Pursuant to Substitute for Senate Resolution No. 1-X(49) the Senate determined that the following bill was within the legislative business for which this extraordinary session of the Legislature was convened, as broadened by the message received from His Excellency, Fuller Warren, Governor of Florida, this day:

By the Committee on Motor Vehicles—

Senate Bill No. 115-X(49):

A bill to be entitled An Act to amend Sections 323.15 and 323.16, Florida Statutes, 1941, as amended by Chapter 22834, Laws of Florida, Acts of 1945, relating to the collection and distribution of mileage taxes; providing for the collection of said taxes by the Comptroller of the State from every auto transportation company whether the holder of a certificate or permit or not, whose transportation operations are not exempt from the provisions of Chapter 323, Florida Statutes, 1941; creating a lien for said taxes and providing for the enforcement thereof; appropriating certain portions of said tax to the General Revenue Fund; providing for the distribution of said mileage taxes among various cities and counties of the State on the basis of the 1944 distribution; and providing for payment of said tax into the General Revenue Fund in case distribution aforesaid is held unconstitutional.

Which was read the first time by title only.

Senator King moved that the rules be waived and Senate Bill No. 115-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 115-X(49) was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 115-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 115-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 115-X(49) the roll was called and the vote was:

Yeas—23.

Mr. President	Collins	King	Shivers
Baker	Crary	Lindler	Sturgis
Beacham	Gautier	Moore	Tucker
Beall	Getzen	Pearce	Walker
Boyle	Johns	Rodgers	Wilson
Clarke	Johnston	Sheldon	

Nays—4.

Ayers	Carroll	Davis	Leaird
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So Senate Bill No. 115-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

PAIRING

Th following pairs were announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Shands on the passage of Senate Bill No. 115-X(49); if he were present he would vote "yes" and I would vote "no".

Henry S. Baynard
11th. District

I am paired with Senator Mathews on the passage of Senate Bill No. 115-X(49); if he were present he would vote "aye" and I would vote "no".

C. L. Alford,
4th. District.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Brackin—

Senate Bill No. 116-X(49):

A bill to be entitled An Act prescribing and authorizing the compensation to be paid to and received by members of the board of public instruction in all counties of the State of Florida having a population of not less than 15,600 and not more than 16,175, according to the last state census; and repealing all laws in conflict therewith.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 116-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Ray moved that the rules be waived and Senate Bill No. 116-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 116-X(49) was read the second time by title only.

Senator Ray moved that the rules be further waived and Senate Bill No. 116-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 116-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 116-X(49) the roll was called and the vote was:

Yeas—33.

Mr. President	Clarke	Leaird	Sheldon
Alford	Crary	Lindler	Shivers
Ayers	Davis	Mathews	Smith
Baker	Franklin	McArthur	Sturgis
Baynard	Gautier	Moore	Tucker
Beacham	Getzen	Pearce	Walker
Beall	Johns	Rodgers	
Boyle	Johnston	Sanchez	
Carroll	King	Shands	

Nays—4.

Collins	Pope	Ray	Wilson
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So Senate Bill No. 116-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By permission the following messages from the House of Representatives were received:

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
September 23, 1949.

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to recede from House Amendments to—

By Senators Shands, Mathews, Rodgers, Ray and Carroll:

Senate Bill No. 18-X(49):

A bill to be entitled An Act amending Chapter 22645, Laws of Florida, Acts of 1945 as amended by Chapter 24363, Laws of Florida, Acts of 1947, also known as Chapter 210, 1947, Cumulative Supplement, Florida Statutes 1941, and being an Act relating to taxation, levying and imposing a State tax on cigarettes; authorizing the levy of a municipal tax on cigarettes and prohibiting any other municipal tax thereon; granting a credit or reduction on State tax to extent of municipal tax paid; defining cigarettes; requiring all cigarette dealers as herein defined to obtain a cigarette permit; providing for the report of sale or other disposition of cigarettes, and the collection and payment of cigarette taxes; providing for the de-

posit, appropriation and disposition of the proceeds derived from such taxes including distribution of a portion thereof to municipalities and tuberculosis hospitals; requiring municipalities to make financial reports; prescribing the duties and powers of the Director of the State Beverage Department including the power to promulgate rules and regulations having force and effect of law; prescribing duties and powers of other officers and employees under this Act and providing for payment of their salaries and other expenses of the administration of this Act; providing for bonds by agents and dealers; providing for affixing of stamps as evidence of payment of said tax; providing for the exemptions from payment of said tax; providing that the presumption shall be that cigarettes possessed without stamps affixed are kept in violation of the provision of this Act; imposing an occupational tax on cigarette vending machines; providing for records to be kept and reports to be made by persons possessing, selling, or transporting cigarettes; requiring municipalities to reduce ad valorem operating tax millage and providing formula therefor; providing for the enforcement of this Act and the rules and regulations promulgated by the director and penalties for violation thereof.

Which amendments read as follows:

Amendment No. 1—

In Section 1, page 11, line 5, of the bill, change the word and figure 4 to the word and figure 6.

Amendment No. 2—

In Section 210.21, Sub-section e, page 26, of the bill, strike out the words: "January 1, 1950" wherever they appear in said subsection and insert the words and figures "November 1, 1949".

Amendment No. 3—

In Section 1 of the mimeographed bill at the end of Section 210.20, Sub-section 2 (a) insert the following: "Provided, however, in those counties of the State of Florida that have no incorporated municipalities it shall be the duty of the director to certify to the Comptroller the amount derived from this tax in such counties and fifty (50) per cent of such amount, less two and one-half (2½) per cent which shall be retained for administering and enforcing the provisions hereof, shall be paid to the Board of County Commissioners of such counties by warrant drawn by the Comptroller upon the State Treasury which amount is hereby appropriated monthly out of the Cigarette Tax Collection Fund."

Amendment No. 4—

In Section 2b, line 7, of the bill, after the word Florida on page 25, strike out the "period" and insert the following: "; in the event the proceeds received annually by the State under this Act exceed \$3,000,000, then and in that event, the additional sum of \$200,000 is hereby annually appropriated for a period of 2 years beginning November 1, 1949 for the construction of an addition to the present tuberculosis hospital building and equipment therefor at the Florida State Hospital in Chattahoochee, Florida".

And respectfully requests the President of the Senate to appoint a Conference Committee composed of three members of the Senate to confer with a like Committee to be appointed by the Speaker of the House of Representatives to adjust the differences existing between the two bodies on House Amendments to Senate Bill No. 18-X(49).

The Speaker has appointed Messrs. Lantaff of Dade, Scarborough of Gadsden and Papy of Monroe, on the part of the House.

Respectfully,

LAMAR BLEDSOE

Chief Clerk,

House of Representatives.

Senator Ray moved that the President appoint a committee on the part of the Senate to confer with the committee appointed by the Speaker of the House of Representatives to adjust the differences between the two bodies on House Amendments to Senate Bill No. 18-X(49).

Which was agreed to.

The President appointed Senators Shands, Ray and Mathews as the conferees on the part of the Senate.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949.

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, as amended, by two-thirds vote—

By Senator Gautier, Leaird and Sturgis—

Senate Bill No. 25-X(49):

A bill to be entitled An Act amending Section 192.06 Florida Statutes, relating to the exemption of certain properties from ad valorem taxes, and excluding properties held and operated for profit from the right to exemption under said section as amended.

Introduction of the bill was agreed to by a two-thirds vote of the House.

Which amendments read as follows:

Amendment No. 1—

Strike out everything following the Enacting clause; the same being Sections 1, 2 and 3, and insert the following in lieu thereof:

Section 1: That Section 192.06, Florida Statutes, 1941, as amended, relating to property exempt from taxation, be and the same is hereby amended to read as follows:

PROPERTY EXEMPT FROM TAXATION. The following property shall be exempt from taxation:

(1) All property, real and personal, of the United States and of this State, except such property of the United States as shall be subject to taxation by this State or any political subdivision or municipality thereof under any law of the United States.

(2) All public property of the several counties, cities, villages, towns and school districts in this State, used or intended for public purposes, including both real and personal property of all fire, hose and hook and ladder companies, except lands sold for taxes for the use of any counties, cities, villages, towns or school districts.

(3) Such property of education, literary, benevolent, fraternal, charitable and scientific institutions within this State as shall be actually occupied and used by them for the purpose for which they have been or may be organized; provided, not more than seventy-five per cent of the floor space of said building or property is rented and the rents, issues and profits of said property are used for the educational, literary, benevolent, fraternal or charitable purposes of said institutions; provided, further, that nothing in this subsection shall be construed as applying to special assessment by municipalities for sidewalks, curbing, street paving or other local improvements.

(4) All houses of public worship and lots on which they are situated, and all pews or steps and furniture therein, every parsonage and all burying grounds not owned or held by individuals or corporations for speculative purposes, tombs and right of burial; but any building being a house of worship which shall be rented or hired for any other purpose except for schools or places of worship, shall be taxed the same as any other property.

(5) All public libraries and real and personal property belonging to and connected with the same, consisting of the library itself and all real and personal property held for the actual use and occupation of such library only, and not for rent, profit or speculation.

(6) All property, real and personal, held by and belonging to any agricultural society in this State, and used exclusively for the meetings or exhibits of such society, which now is or may hereafter be lawfully organized in pursuance of law.

(7) Property to the value of five hundred dollars to every widow, and to every person who is a bona fide resident of the State, and has lost a limb or been disabled, in war or by misfortune.

(8) All property in this State now owned and exclusively used by the regularly constituted women's club of Florida, or American Legion, or the duly constituted chapters, inns, or other associations duly chartered by national college fraternities or national college sororities, located and existing at colleges and universities in the State of Florida at State institutions or duly chartered as such colleges or universities by the State of Florida, used solely as their clubhouse or home, is hereby defined to mean such property as is contemplated by Section 1 of Article IX of the Constitution of Florida and is hereby declared to be exempt from all taxation; provided, that nothing in this subsection shall be construed as applying to special assessments by municipalities for sidewalks, curbing, street paving or other local improvements as to which special assessments against abutting property owners are made and collected.

(9) All homes, clubhouses, hospitals and other property owned and operated by the organizations of ex-service men, not for profit, and in carrying out the purposes of such organizations and to preserve the associations and lessons of the world wars and Spanish American war, are hereby made and declared to be exempt from the assessment and levy of all ad valorem taxes in the State of Florida.

(10) Real property owned and used by labor organizations with charters from national or international organizations which is used exclusively by them as their meeting halls, training halls or educational purposes is hereby defined as being property within the purview of Section 1, Article IX of the State Constitution and entitled to tax exemption thereunder; provided, however, that this exemption shall only extend to the portion of a building used for such purposes and where any property owned by any such labor organization is used for commercial purposes it shall be subject to taxation. The portion of such building used for commercial purposes may be valued and placed upon the tax rolls separately from the portions entitled to exemption as aforesaid.

Section 2: All laws and parts of laws, either general, special or local, in conflict herewith are hereby repealed.

Section 3: This Act shall take effect on December 31, 1949.

Amendment No. 2—

Strike out the Title to the Bill and insert the following in lieu thereof: An Act relating to taxation; amending Section 192.06, Florida Statutes, 1941, as amended, defining property exempt from taxation.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk,
House of Representatives.

And Senate Bill No. 25-X(49), contained in the above message, was read by title, together with the House Amendments thereto.

Senator Gautier moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 25-X(49).

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 25-X(49).

Senator Cautier moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 25-X(49).

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 25-X(49).

And Senate Bill No. 25-X(49), as amended, was referred to the Secretary of the Senate as Ex-Officio Engrossing Clerk

for engrossing, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by two-thirds vote—

By Senator Beall—

Senate Bill No. 41-X(49):

A bill to be entitled An Act to repeal Chapter 23267, Laws of Florida, Special Acts of 1945, being "An Act to forbid the conduct in Escambia County, Florida, of traveling shows, expositions or amusement enterprises, as defined in Section 205.31, Florida Statutes, 1941, within a specified time before the holding of any agricultural public fair or exposition in said county and for other purposes".

Proof of publication attached.

Introduction of the bill was agreed to by a two-thirds vote of the House.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 41-X(49), contained in the above Message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by two-thirds vote—

By Senators King and Alford—

Senate Bill No. 64-X(49):

A bill to be entitled An Act to abolish and prohibit the defense of entrapment in prosecutions for bribery, offering bribes, accepting bribes, and offering or accepting unauthorized compensation for performance or non-performance of official duty, including but not restricted to prosecutions for the violation of any of the provisions of Section 838.01 to 838.10, both inclusive, and 875.27, Florida Statutes, relating to bribery, accepting bribes, and accepting unauthorized compensation for the performance or non-performance of official duty, and prosecutions for offering a bribe contrary to Section 475.42, Florida Statutes, and prosecutions for violating Section 476.24, Florida Statutes, by obtaining or attempting to obtain any certificate of registration provided for by Chapter 476, Florida Statutes, for money or thing of value other than the required fee, and prosecutions for violating Section 477.27, Florida Statutes, by obtaining or attempting to obtain any certificate of registration provided for by Chapter 477, Florida Statutes, for money or thing of value other than the required fee, and prosecutions for violating Section 875.12, Florida Statutes, by bribery.

Introduction of the bill was agreed to by a two-thirds vote of the House.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 64-X(49), contained in the above Message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949

*The Honorable Newman C. Brackin,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has indefinitely postponed—

By Senator Johnston—

Senate Bill No. 92-X(49):

A bill to be entitled An Act providing that nominees for the office of County Commissioner of Hernando County shall be nominated in primary elections from the county at large, provided that candidates for nomination shall be citizens and residents of the respective county commissioner's district and qualified electors in said district; providing for a referendum election to determine whether this Act shall become effective.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949

*The Honorable Newman C. Brackin,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendments—

By Senator Beacham—

Senate Bill No. 66-X(49):

A bill to be entitled An Act providing that the City Commission of the City of West Palm Beach may assess the total net cost of increased trash collection service occasioned by certain natural calamities against all lands in the city, including homesteads, on some equitable or uniform basis; providing the manner in which such assessments shall be equalized and paid, prescribing interest rates, due dates and providing means for enforcing such assessments; repealing all laws and parts of laws in conflict herewith; providing when this Act shall be effective; and for other purposes.

Proof of publication attached.

Which amendments read as follows:

Amendment No. 1—

Strike out all below the enacting clause.

and insert the following in lieu thereof: Section 1. Whenever, by reason of hurricane, flood or other major natural calamity, occurring subsequent to the effective date of this Act or within ninety days prior to the effective date of this Act, city wide damage to property or vegetation in the City of West Palm Beach take place, occasioning debris and other refuse upon the lands in such city, with resulting necessity for increased trash collection service by the city to haul away and dispose of such debris or refuse from places where piled by lot owners, the City Commission of such city may, after such collection service has been performed by the city, ascertain the total net cost incurred by the city for furnishing such services, and the City Commission may then, by resolution, levy not more than one quarter mill on the taxable property in the city, that said tax levy shall be done on an equitable and uniform basis, provided, however, that the amount of money to be derived therefrom shall not exceed

\$50,000.00. That said money shall be placed in a special fund known as a disaster fund to be expended on resolution of the City Commission declaring an emergency and necessity to spend such money for disaster relief caused by flood, hurricane or other natural calamity. Resolution by the City Commission levying said tax shall contain a list of the lands in the city, the amount of assessment against each, and shall provide that the City Commission will sit as an equalizing board to hear complaints and adjust such assessments at a time and place to be given in such resolution, which shall be at a date not less than thirty (30) days and not more than sixty (60) days after the publication of such resolution as hereinafter provided for. Such resolution shall, as soon as possible after its passage, be published one time in a newspaper of general circulation published in such city. At the time and place provided for in such resolution, or at any necessary adjourned sessions, the City Commission shall meet as an equalizing board to hear and consider any and all complaints as to such assessments and shall adjust and equalize the same on a basis of justice and right, and, when so equalized and approved, such assessments shall stand confirmed and remain legal, valid, and binding liens upon the property against which made until paid in accordance with the provisions of this chapter. Such resolution may make provision for the payment of such assessments in yearly installments not to exceed three (3) years. All of such assessments shall bear interest at the rate of six per cent shall remain liens superior in dignity to all other liens, except liens for taxes, until paid from the date of the assessment upon the parcels of land assessed. Upon the failure of any property owner to pay any such assessment, or annual installment thereof, when due, the City Commission of such city shall be authorized to cause the necessary legal proceedings to be brought, procedure for which shall be that prescribed in Chapter 173, Florida Statutes Annotated.

Section 2. This Act shall take effect when ratified by a majority of the voters of the City of West Palm Beach, Florida, voting at the next general election, held for said city.

Section 3. All laws and parts of laws in conflict herewith are repealed.

Amendment No. 2—

Strike out all above the enacting clause and insert the following in lieu thereof: A bill to be entitled An Act providing that the City of West Palm Beach may assess up to the amount of \$50,000 of the total net cost of increased trash collection service occasioned by certain natural calamities against all taxable lands in the city, on some equitable or uniform basis; providing, however, that more than one quarter mill shall not be levied; providing the manner in which such assessments shall be equalized and paid; prescribing interest rates, due dates and providing means for enforcing such assessment; repealing all laws in conflict herewith; providing for referendum; and for other purposes.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk, House of Representatives

And Senate Bill No. 66-X(49), contained in the above Message, was read by title, together with the House Amendments thereto.

Senator Beacham moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 66-X(49).

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 66-X(49).

Senator Beacham moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 66-X(49).

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 66-X(49).

And Senate Bill No. 66-X(49), as amended, was referred to the Secretary of the Senate as Ex-Officio Engrossing Clerk for engrossing, and the action of the Senate was ordered certified to the House of Representatives immediately, by

waiver of the rule.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949.

Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by a two-thirds vote—

By Mr. Dowda of Putnam—

H. B. No. 153-X('49)—A bill to be entitled An Act providing for the determining of compensation of school bus drivers to be used in computing benefits for such drivers under the County Officers and Employees Retirement System; and authorizing such drivers to participate in such system.

Introduction of the bill was agreed to by a two-thirds vote of the House.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk,
House of Representatives.

Pursuant to Substitute for Senate Resolution No. 1-X('49) the President submitted the question of whether or not House Bill No. 153-X('49), contained in the above message, should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened.

And it was agreed by a two-thirds vote of the Senate that House Bill No. 153-X('49), title as aforesaid, should be introduced for consideration by the Senate so it was read the first time by title only.

Senator Pearce moved that the rules be waived and House Bill No. 153-X('49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 153-X('49) was read the second time by title only.

Senator Pearce moved that the rules be further waived and House Bill No. 153-X('49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 153-X('49) was read the third time in full.

Upon the passage of House Bill No. 153-X('49) the roll was called and the vote was:

Yeas—33.

Mr. President	Collins	Leaird	Sheldon
Alford	Crary	Lindler	Shivers
Ayers	Davis	Mathews	Sturgis
Baker	Franklin	McArthur	Tucker
Beacham	Gautier	Moore	Walker
Beall	Getzen	Pearce	Wilson
Boyle	Johns	Pope	
Carroll	Johnston	Sanchez	
Clarke	King	Shands	

Nays—2

Baynard Rodgers

So House Bill No. 153-X('49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The following message from the House of Representatives was read:

Tallahassee, Florida,

September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has accepted and adopted the report of the Conference Committee heretofore appointed to adjust the differences between the House of Representatives and the Senate on House Amendments to—

By Senators Shands, Mathews, Rodgers, Ray and Carroll—

Senate Bill No. 17-X('49):

A bill to be entitled An Act to define certain additional privileges and to levy and provide for the collection of privilege taxes upon sales of personal property; upon admissions and upon rentals of real and personal property; providing for certain exemptions; to define certain words and terms used in this Act; to provide for the creation and enforcement of liens upon real and personal property of persons liable for the payments of such taxes to authorize the promulgation of rules and regulations for the administration and enforcement of this Act; to appropriate monies derived from such taxes and to direct the payment of such monies derived from such taxes to the General Revenue Fund of the State of Florida, to the cost of administration and enforcement of this Act and to provide for impounding any surplus revenue; to provide for the operation of this Act in the event certain provisions herein shall be held invalid; providing for an effective date; to provide penalties for the violation of this Act; and repealing Sections 204.03 and 204.04, Florida Statutes, 1941, and conflicting laws.

September 23, 1949

The Honorable Newman C. Brackin,
President of the Senate.

The Honorable Perry E. Murray,
Speaker of the House of Representatives.

Gentlemen:

Your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives with reference to Senate Bill No. 17-X('49) begs leave to submit the following report and recommendations:

1. The conferees of the two Houses agreed at the outset of the meeting that they were limited to the sole consideration of the amendments adopted by the House to the Senate Bill.
2. Prior to final passage the House had adopted a total of sixteen amendments, fourteen of which were to Section 8.
3. The Conferees agreed that in reconstructing Section 8 they could only consider the exemptions appearing therein with the adopted House Amendments.

Within the above limitations the conferees then proceeded to discuss House Amendment No. 1 offered by Messrs. Beasley, Schuh and others. This amendment struck out all of Section 8 of the Senate Bill, beginning on page 22 of the mimeographed bill and extending to Section 9 on page 25. The House conferees agreed that they would recede from House Amendment No. 1, in view of the fact that most of the items specifically exempted therein were included and defined by more general and legally accepted terms in the Senate Bill. However, the conferees did desire to retain exemptions as to caskets, soap, soap powders and detergents which were contained in Amendment No. 1. Since to recede from the amendment and at the same time attempt to retain some of its specific exemptions might exceed their limited power, the conferees agreed that while House Amendment No. 1 would be receded from, they would draw a bill to be introduced in both houses exempting from the provisions of Senate Bill 17-X('49) the tax on the sale of caskets up to the amount of \$500.00, soap, soap powders and detergents.

The conferees then took up Amendment No. 3, page 23, by Messrs. Tapper, Collins and others, which reads as follows:

In Section 8 of the engrossed bill, as amended, at the end of said section, insert the following paragraph:

"Articles of clothing, including shoes, hats and underwear, where the price at which the same is sold is Ten Dollars (\$10.00) or less, on any single item thereof; provided, that sales of articles of clothing ordinarily sold or offered for sale as a pair, or as a suit or ensemble, shall be considered single items under this exemption, provided fabrics by the yard classified as wearing apparel fabrics shall be included in the term articles of clothing."

The Senate Committee concurred in House Amendment No. 3 to Section 8.

The conferees then took up House Amendment No. 4, by Messrs. Nesmith, Schuh and others. It was pointed out by the Senate Committee that this amendment was covered (except for the words "and other equipment") on page 24, lines 9 and 10 of the mimeographed bill; however, in view of the broadened exemptions for farming equipment in the Senate Bill, the Senate Committee concurred in House Amendment No. 4, which reads as follows:

In Section 8, as amended, at the end of said section add:

"There is also exempt from the provisions of this Act ships, nets and other equipment used directly in and by licensed commercial fisheries and fishermen."

The conferees next took up House Amendment No. 5 by Messrs. Johnson and Scarborough, which reads as follows:

At the end of Amended Section 8, add the following: "Also exempt shall be cheesecloth to be used for shading tobacco."

The Senate Committee concurred in House Amendment No. 5 to Section 8.

The conferees then took up House Amendment No. 6, by Messrs. Tapper and Schuh and others, which reads as follows:

In Section 8, line 12, of the bill, as amended by Amendment No. 1, between the words "fresh and processed" and the word "seeds" insert in the words "canned foods."

In the discussion on this particular amendment, the Senate Committee pointed out that canned goods was covered under the general definition of groceries and specifically under food and food products. However, the House Committee felt that this amendment was desirable and the Senate Committee concurred in Amendment No. 6.

The conferees then took up House Amendment No. 7, by Mr. Slaughter, which reads as follows:

In Section 8 as amended add the following paragraph:

"The following personal property is hereby specifically exempt from the tax imposed by this Act, to wit: machines and equipment used in plowing, planting, cultivating and harvesting crops."

This amendment was concurred in by the Senate Committee since it enlarged upon a similar exemption within the Senate Bill.

The conferees then took up House Amendment No. 9, by Messrs. Lantaff and others, which reads as follows:

In Section 23, page 52 of the bill: Renumber Section 23 so as to read Section 24 and add a new Section 23 to read as follows:

"Section 23. Nothing herein contained shall be construed as repealing any general or special act authorizing a municipality to levy a special tax upon admission tickets which said tax is now being levied by such municipality."

The Senate Committee concurred in Amendment No. 9.

The conferees then took up House Amendment No. 11, by Mr. Lisle Smith of Polk, which reads as follows:

In Section 8, add a new paragraph to read as follows:

"There is also exempted from the tax imposed by this Act all supplies, fertilizer, sprays, equipment and machinery used in the cultivating and production of citrus."

After consideration of this amendment, it was determined

that the specific items desired to be exempted by said amendment were already exempted under the House Amendment No. 7 and the specific exemptions contained in lines 11, 12, 13 and 19 and 20, page 24 of the mimeographed bill; therefore the House Committee agreed to recede from this amendment.

The conferees next took up House Amendment No. 12, by Messrs. Okell and Schuh, which reads as follows:

At the end of paragraph three (3), Section eight (8), following the words "any governmental unit State or Federal," insert the following, "Likewise exempted are admissions to places of amusement operating under the supervision of the State Racing Commission."

In view of the fact this identical exemption appears in mimeographed bill, beginning with line 3, page 25, of the bill, the House Committee agreed to recede from this amendment.

The conferees then took up House Amendment No. 13, by Messrs. Whitlock, Tapper, and others, which reads as follows:

In Section 8, as amended, of the engrossed bill, add the following unnumbered paragraph:

"Articles sold or leased to or by churches or other religious, educational, or charitable institutions in the course of their customary religious or charitable activities."

The Senate Committee pointed out to the House Committee that the first paragraph on page 20 of the bill covered the exemption on certain religious activities; however, all the conferees agreed that this exemption should be enlarged, therefore, the Senate Committee agreed to concur in House Amendment No. 13.

The conferees then took up House Amendment No. 15, by Messrs. Keith and Black, which reads as follows:

In Section 8, as amended, at the end of line 8, after the word "cocoa" add "meals costing \$1.00 or less."

This amendment was considered at length. The amount of tax which would be lost from the estimated sum to be produced by this bill, and also the difficulty of enforcing this provision, led the majority of the conferees to agree that this amendment should not be concurred in. A dissenting vote in the recommendation that the House recede from this amendment was cast by Mr. Nesmith.

The conferees then took up Amendment No. 16, page 38, by Messrs. Beasley, Collins, and others, which reads as follows:

In Section 14 of the engrossed bill, add the following paragraph at the end of said section:

"All hearings authorized hereunder to be conducted by the Comptroller shall be held in the county of the residence of the persons liable for the tax or in the County where such person maintains his or its principal place of business. Provided, however, that any such hearing may, with the consent of such person, be held at any place in the State of Florida designated by the Comptroller."

The House Committee agreed to recede from Amendment No. 16 for the following reasons. Amendment 16, adopted by the House which adds an additional paragraph at the end of Section 14, is covered in the mimeographed bill, beginning with line 11, page 37, which provides that the place of hearing will be within the judicial circuit where the person's place of business is located. The House Amendment narrows this to the specific county of the taxpayer. It appears that the provisions in the bill will allow for the centralizing at a convenient place of several hearings at one time with a minimum of expense to both the state and the taxpayer. It appears that any place within the judicial circuit of such taxpayer would not be located a great distance from his place of business.

The conferees next took up House Amendment No. 17, by Mr. Luckie of Duval, which reads as follows:

In Section 8, line 7 of the bill, after the word "milk", insert the following: "and milk products."

In view of the fact that this exemption is already included on the second line of page 23 of the Senate bill, the House Committee agreed to recede from Amendment No. 17.

The conferees then took up House Amendment No. 30, by Messrs. Stewart and Strayhorn, which reads as follows:

At the end of Section 8 insert the following sentence:

"The following personal property is hereby specifically exempt from the tax imposed by this Act, to-wit: supplies, fertilizer, sprays, equipment and machinery used in the cultivation and production of agricultural, horticultural or nursery products of any kind whatsoever."

In view of the fact that the tangible personal property outlined in this amendment is already covered on page 24, lines 11, 12, 13, and 19, and 20, and also in House Amendment No. 7, the House Committee agreed to recede from this amendment.

The conferees then took up House Amendment No. 33, by Mr. Moody of Hillsborough, which reads as follows:

In Section 8, as amended, at the end thereof; "There shall likewise be exempted all sales made to or by the United States Government, the State of Florida, or by any county or municipality within the United States, and all sales made to or by any government unit, State or Federal, and including sales made to contractors of tangible personal property going into and becoming a part of public works and projects owned by any such government or governmental unit."

It was pointed out by the Senate Committee that the verbiage contained in this amendment was identical with the exemption on page 25, line 5, of the Senate bill. The House Committee therefore, receded from this amendment.

The conferees then took up House Amendment No. 34, by Mr. Rood of Manatee, which reads as follows:

At the end of Section 8, as amended, strike out the period, insert a comma and add the following: "The following items shall also be exempt from the operation of this law; artificial eyes, limbs, crutches, eye glasses, dentures, hearing devices, prosthetic and orthopedic appliances."

The conferees agreed that the items listed in this amendment should be exempted and accordingly the amendment was concurred in by the Senate Committee.

Following the above actions, there remained minor differences between the House and Senate versions. These differences arose because, for parliamentary and technical reasons, it was deemed necessary to recede from House Amendment No. 1, (which was a complete re-write of Section 8 of the original Senate bill) and use the wording of the mimeographed bill. After due consideration of these minor differences it was agreed that there were no significant divergences (except for those to be covered by the separate bill previously mentioned) and the remaining language of Section 8 was retained.

Respectfully submitted,
W. A. SHANDS
JOHN E. MATHEWS
W. J. RAY
Conferees on the part of the Senate
RICHARD H. SIMPSON
LISLE W. SMITH
GEORGE NESMITH
Conferees on the part of the House
of Representatives

—and pursuant to the foregoing report, the House of Representatives has receded from the following House Amendments to Senate Bill No. 17-X(49)—

Strike out all of Section 8 of the engrossed bill, and insert in lieu thereof the following:

"Section 8. That the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this State, of the following tangible personal property, is hereby specifically exempt from the tax imposed by this Act:

"Fresh meats, cured meats not otherwise processed, fresh fruit and fruit juices, fresh vegetables, grits, eggs, meal, baking powder, soda, flour, salt, pepper, milk, coffee, tea, lard and shortening, oleomargarine, butter, bakery products, fish and other seafoods, cocoa, cigarettes, alcoholic beverages,

beer, ice, sugar, syrup, poultry, soap and soap powders and detergents, fuel oil, caskets, Irish and sweet potatoes, frozen foods, baby foods, dried or cured vegetables and fruits, honey, citrus, fresh and processed, seeds, feeds, fertilizer, water (not to include, however, mineral water or carbonated water, or any water put up in bottles, jugs, or other containers), newspapers, school books and school lunches, motor fuel.

"Also exempt are professional, insurance or personal service transactions which involve sales as inconsequential elements for which no separate charge is made, and likewise exempted are all sales made to or by the United States of America, the State of Florida, or any county or municipality within the State and all sales made to or by any governmental unit, State or Federal.

"Medicine compounded in a retail establishment by pharmacists licensed by the State of Florida according to an individual prescription or prescriptions and refills written by a practitioner of the healing arts licensed by the State of Florida, or a sister State, and common household medicinal remedies recommended and generally sold for the relief of pain, ailment, distress or disorder of the human body, according to a list prescribed, and approved by the State Board of Health, which said list shall be certified to the Comptroller and from time to time be included in the rules and regulations promulgated by the Comptroller.

In Section 8, add a new paragraph to read as follows:

"There is also exempted from the tax imposed by this Act all supplies, fertilizer, spray, equipment and machinery used in the cultivating and production of citrus."

As amended: At the end of paragraph three (3) following the words "any governmental unit State or Federal" and insert the following "Likewise exempted are admissions to places of amusement operating under the supervision of the State Racing Commission."

In Section 8, as amended, at the end of line 8, after the word "Cocoa" add "meals costing \$1.00 or less."

In Section 14 of the engrossed bill, add the following paragraph at the end of said Section:

"All hearings authorized hereunder to be conducted by the Comptroller shall be held in the County of the residence of the persons liable for the tax or in the County where such person maintains his or its principal place of business. Provided, however, that any such hearing may, with the consent of such person, be held at any place in the State of Florida designated by the Comptroller."

In Section 8, line 7, of the bill, after the word: "milk" insert the following: "and milk products".

At the end of Section 8 insert the following sentence: "The following personal property is hereby specifically exempt from the tax imposed by this act, to-wit: supplies, fertilizer, sprays, equipment and machinery used in the cultivation and production of agricultural, horticultural or nursery products of any kind whatsoever".

In Section 8, as amended at the end thereof, insert the following: "There shall likewise be exempted all sales made to or by the United States Government, the State of Florida or any county or municipality within the State, and all sales made to or by any governmental unit, State or Federal, and including sales made to contractors of tangible personal property going into and becoming a part of public works and projects owned by any such government or governmental unit."

and has passed Senate Bill No. 17-X(49), as amended.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk,
House of Representatives.

And Senate Bill No. 17-X(49), as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Moore moved that the Senate remain in session until final action is taken on the Conference Committee Report on Senate Bill No. 18-X(49).

Pending consideration of the motion made by Senator Moore, Senator Leaird moved as a substitute motion that the Senate remain in session until the completion of consideration of all bills on the Senate Calendar, and that the Senate then adjourn until 10:00 o'clock A. M., Saturday, September 24, 1949.

Pending consideration of the substitute motion made by Senator Leaird, Senator Collins moved that all pending motions be laid on the table.

The question was put on the motion made by Senator Collins.

Which was agreed to and all pending motions were laid on the table.

CONFERENCE COMMITTEE REPORT

By permission the following Conference Committee Report was received and read:

September 23, 1949.

The Honorable Newman C. Brackin,
President of the Senate.

The Honorable Perry E. Murray,
Speaker of the House of Representatives.

Gentlemen:

Your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives with reference to Senate Bill No. 18-X(49), begs leave to submit the following report and recommendation.

1. That the House recede from Amendment No. 1, to Senate Bill No. 18-X(49) by Mr. Branch of Hillsborough, and others.
2. That the Senate concur in House Amendment No. 2 to Senate Bill No. 18-X(49), by Mr. Lantaff of Dade.
3. That the Senate concur in House Amendment No. 3 to Senate Bill No. 18-X(49) by Mr. Nesmith of Wakulla, and others.
4. That the Senate concur in House Amendment No. 4 to Senate Bill No. 18-X(49) by Mr. Scarborough of Gadsden.

Respectfully submitted,

W. A. Shands

John E. Mathews

William J. Ray
Conferees on the part of the
Senate.

William C. Lantaff

Bernie Papy

Ed Scarborough

Conferees on the part of the
House of Representatives.

Senator Ray moved the adoption of the foregoing Conference Committee Report.

Upon the adoption of the Conference Committee Report the roll was called and the vote was:

Yeas—34.

Mr. President	Collins	Mathews	Sheldon
Alford	Crary	McArthur	Shivers
Baker	Davis	Moore	Smith
Baynard	Franklin	Pearce	Sturgis
Beacham	Gautier	Pope	Tucker
Beall	Johns	Ray	Walker
Boyle	King	Rodgers	Wilson
Carroll	Leaird	Sanchez	
Clarke	Lindler	Shands	

Nays—None.

So the Conference Committee Report on Senate Bill No. 18-X(49) was adopted.

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 18-X(49):

In Section 210.21, Sub-section e, page 26, of the bill, strike

out the words: "January 1, 1950" wherever they appear in said subsection and insert the words and figures "November 1, 1949".

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 18-X(49).

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 18-X(49):

In Section 1 of the mimeographed bill at the end of Section 210.20, Sub-section 2 (a) insert the following: "Provided, however, in those counties of the State of Florida that have no incorporated municipalities it shall be the duty of the director to certify to the Comptroller the amount derived from this tax in such counties and fifty (50) per cent of such amount, less two and one-half (2½) per cent which shall be retained for administering and enforcing the provisions hereof, shall be paid to the Board of County Commissioners of such counties by warrant drawn by the Comptroller upon the State Treasury which amount is hereby appropriated monthly out of the Cigarette Tax Collection Fund."

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 18-X(49).

Pursuant to the foregoing Conference Committee Report Senator Ray moved that the Senate concur in the following House Amendment to Senate Bill No. 18-X(49):

In Section 2b, line 7, of the bill, after the word Florida on page 25, strike out the "period" and insert the following: "; in the event the proceeds received annually by the State under this Act exceed \$3,000,000, then and in that event, the additional sum of \$200,000 is hereby annually appropriated for a period of 2 years beginning November 1, 1949 for the construction of an addition to the present tuberculosis hospital building and equipment therefor at the Florida State Hospital in Chattahoochee, Florida".

Which was agreed to and the Senate concurred in the foregoing House Amendment to Senate Bill No. 18-X(49).

Upon the passage of Senate Bill No. 18-X(49), as amended, by the foregoing amendments, the roll was called and the vote was:

Ayes—35.

Mr. President	Collins	Leaird	Shands
Alford	Crary	Mathews	Sheldon
Baker	Davis	McArthur	Shivers
Baynard	Franklin	Moore	Smith
Beacham	Gautier	Pearce	Sturgis
Beall	Getzen	Pope	Tucker
Boyle	Johns	Ray	Walker
Carroll	Johnston	Rodgers	Wilson
Clarke	King	Sanchez	

Nays—1.

Lindler

So Senate Bill No. 18-X(49) passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Baynard moved that the Senate adjourn to reconvene at 10 o'clock, A. M., Saturday, September 24, 1949 upon which a roll call was demanded.

Upon call of the roll on the motion made by Senator Baynard the vote was:

Yeas—15.

Baker	Collins	Johns	Sanchez
Baynard	Davis	King	Smith
Carroll	Franklin	Moore	Wilson
Clarke	Gautier	Pope	

Nays—19.

Mr. President	Boyle	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Getzen	McArthur	Tucker
Beacham	Johnston	Pearce	Walker
Beall	Leaird	Rodgers	

So the motion failed of adoption.

SENATE BILLS ON SECOND READING

Senate Bill No. 78-X(49):

A bill to be entitled An Act to raise revenue by increasing the admission tax to all horse race tracks in this State; providing for such increase to be appropriated to the State Tuberculosis Board; providing for the use of such funds by said board; providing for the amendment of Section 550.081, Florida Statutes, relating to the allocation of periods of operation for horse race tracks; and making findings and declarations of policy relative thereto.

Was taken up in its order.

Senator Leaird moved that the rules be waived and Senate Bill No. 78-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 78-X(49) was read the second time by title only.

Senator Sturgis offered the following amendment to Senate Bill No. 78-X(49):

Strike all of Section 2.

Senator Sturgis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Baker offered the following amendment to Senate Bill No. 78-X(49):

Strike out all of Section 3 and renumber the remaining sections.

Senator Baker moved the adoption of the amendment, upon which a roll call was demanded.

Upon the adoption of the amendment offered by Senator Baker to Senate Bill No. 78-X(49), the roll was called and the vote was:

Yeas—15

Baker	Davis	King	Smith
Baynard	Franklin	Moore	Sturgis
Carroll	Gautier	Pope	Wilson
Clarke	Johns	Sanchez	

Nays—20

Mr. President	Boyle	Mathews	Shands
Alford	Getzen	McArthur	Sheldon
Ayers	Johnston	Pearce	Shivers
Beacham	Leaird	Ray	Tucker
Beall	Lindler	Rodgers	Walker

So the amendment failed of adoption.

PAIRING

The following pair was announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Collins on the amendment offered by Senator Baker to Senate Bill No. 78-X(49); if he were present he would vote "Aye" and I would vote "No."

EVANS CRARY
12th District

Senator Franklin offered the following amendment to Senate Bill No. 78-X(49):

Strike out entire Section One.

Senator Franklin moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Sanchez offered the following amendment to Senate Bill No. 78-X(49):

Strike out all of paragraph (4) of Section 3 and insert in lieu thereof the following: "On or before the first day of May of each year hereafter, each of the horse race tracks shall file in writing with the State Racing Commission in accordance with the procedure set forth in subsections 2 and 3 hereof, its selection of the racing period herein above established that it desires to operate and conduct its racing meet. On or before the fifteenth day of May of each year hereafter the State Racing Commission shall issue an annual license authorizing the permit holder to conduct a racing meet during the periods set forth therein. Such license shall be issued by the State Racing Commission to the permit holder on the basis of and in accordance with the procedure set forth in subsection 2 and 3 thereof. This Act shall not affect in any manner any permits heretofore granted by the State Racing Commission for the 1949-1950 annual racing period."

Senator Sanchez moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Moore offered the following amendment to Senate Bill No. 78-X(49):

In Section 1, (typewritten bill) strike out the first three lines and down to and including the word "races" in line 4 and insert in lieu thereof the following: Section 1. In addition to all taxes which are now levied on pari-mutuel plants, such plants, whether horse race tracks, dog race tracks or jai ala fronton games and exhibitions, if operating under the laws of the State of Florida, shall collect from each person attending in such races, games or exhibitions.

Senator Moore moved the adoption of the amendment, upon which a roll call was demanded.

Upon the adoption of the amendment offered by Senator Moore to Senate Bill No. 78-X(49), the roll was called and the vote was:

Yeas—15.

Alford	Clarke	Gautier	Smith
Baker	Collins	Moore	Sturgis
Baynard	Davis	Pope	Wilson
Carroll	Franklin	Sanchez	

Nays—22.

Mr. President	Getzen	Mathews	Sheldon
Ayers	Johns	McArthur	Shivers
Beacham	Johnston	Pearce	Tucker
Beall	King	Ray	Walker
Boyle	Leaird	Rodgers	
Crary	Lindler	Shands	

So the amendment failed of adoption.

And Senate Bill No. 78-X(49), as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Moore moved that the Senate adjourn to reconvene at 10:00 o'clock A.M., Saturday, September 24, 1949.

Which was agreed to.

And the Senate stood adjourned at 6:12 o'clock P.M., until 10:00 o'clock A.M., Saturday, September 24, 1949.